

**UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TENNESSEE  
WINCHESTER DIVISION**

**SCHMIEDE CORPORATION,** )  
 )  
 **Plaintiff,** )  
 )  
 v. )  
 )  
 **FEDERAL INSURANCE COMPANY,** )  
 )  
 **Defendant.** )

**Case No. 4:10-CV-52**  
***Mattice / Lee***

**AGREED TERMS OF STIPULATION OF VOLUNTARY DISMISSAL**

Pursuant to Federal Rule of Civil Procedure 41(a), the parties have agreed to these terms.

1. All relevant statutes of limitation and all time-related doctrines, whether equitable or legal, including but not limited to the doctrines of estoppel or laches, will be tolled from the date that this action was originally filed (June 1, 2010) through the earlier of: (a) 60 days from the date on which a final, non-appealable order is entered disposing of the plaintiffs' claims in the last-pending of the "2004 Lawsuit" and the "2008 Lawsuit" (as those terms are defined in the Complaint filed in this action); or (b) eighteen months from the date this Court enters the Order dismissing this action without prejudice. Nothing in this agreement of the parties will constitute a waiver of any rights, claims, or defenses of either party to the agreement, subject only to the terms and conditions of the agreement; the agreement specifically will not revive or otherwise affect any claim or defense already barred as of June 1, 2010 by any applicable statute of limitation of other time-related doctrine.

2. Should the plaintiff in this action later re-assert its coverage claims, it will, as long as federal subject-matter jurisdiction exists over those claims at the time, do so by filing those

claims with the United States District Court for the Eastern District of Tennessee, Winchester Division.

3. The parties stipulate to the dismissal of this action without prejudice, and with each party to bear its own fees and costs. The parties have submitted a proposed Order to effectuate the plaintiff's voluntary dismissal of this action.

Respectfully submitted,

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